

Douglas A. Ducey
Governor

John Chrisagis, O.D.
President

Marla Husz, O.D.
Vice President



Arizona State Board of Optometry

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Margaret Whelan
Executive Director

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**FINAL MINUTES FOR REGULAR MEETING
JUNE 17, 2016 SCHEDULED TO COMMENCE AT 9:00 A.M.**

Board Members

John Chrisagis, O.D., President
Marla Husz, O.D., Vice-President
Michael Lamb, O.D.
Brian Mach, O.D.
Mark Peller, O.D.
George A. Evanoff, Public Member
Blake Whiteman, Public Member

Staff:

Margaret Whelan, Executive Director
Paula Hollins, Licensing Administrator

Legal Counsel:

Mona Baskin, Assistant Attorney General

A. CALL TO ORDER:

Dr. Chrisagis

Dr. Chrisagis called the meeting to order at 9:00 a.m.

B. ROLL CALL:

Ms. Hollins

Members Present: John Chrisagis, O.D., President
Marla Husz, O.D., Vice President
Brian Mach, O.D.
Mark Peller, O.D.
George A. Evanoff, Public Member
Blake Whiteman, Public Member

Members Absent: Michael Lamb, O.D.

Legal Counsel: Mona Baskin, Assistant Attorney General

Staff Present: Margaret Whelan, Executive Director
Paula Hollins, Licensing Administrator

C. PRESIDENT'S REPORT:

Dr. Chrisagis

None.

D. INFORMAL INTERVIEW:

9:00 a.m.

1. Donald Schore, O.D. IR#201603

This case was continued from the November 21, 2015 meeting. Dr. Schore was present to address the Board along with his counsel Mr. Charlie Hover. Dr. Schore was sworn in and submitted an additional letter from patient P.V., dated March 14, 2015 stating she had no issues with her eye at that time but wanted a demonstration of monovision lenses, and that the hole was coincidental. Dr. Schore stated there was rapid progression of decline in vision between the patient's visit from Dr. Jeffers to Dr. deSouza and not from him to Dr. Jeffers and that treatment of P.V. was as requested. Dr. Peller asked about the type of eye exam performed when the records showed a complete and comprehensive eye exam was performed however Dr. Schore did not dilate and no refusal was seen on the records. Also, it is noted in the record that the patient has congenital amblyopia of the left eye when 9 months earlier there was not. The eyeglass prescription was 20/20 corrected however 9 months later it was only corrected to 20/50. Dr. Peller asked why no further testing was done. Dr. Schore's records stated everything was clear when there was an obvious reduction of acuity in the left eye that was not addressed. It appeared that record for the exam differs from what the patient says versus what the doctor's findings were. Patient P.V. was present and sworn in to address the Board. P.V. stated she went in for monovision lenses but the doctor told her she wasn't a candidate for them. P.V. stated she felt something was wrong and started calling other doctors for a second opinion. She stated she would have paid for additional testing if Dr. Schore had told her there may be a problem. P.V. felt Dr. Schore should have taken a little extra time with her and referred her out. Closing remarks; Dr. Schore said Dr. deSouza's records show vision in P.V. was back to 20/20 and that he had no way of knowing what the patient had at the time as it corrected itself. Mr. Whiteman asked Dr. Schore if he felt there were things he should have done to further assess the situation to which Dr. Schore replied affirmatively.

FINDINGS OF FACT:

MOTION: Mr. Whiteman moved that the evidence is clear that on or about February 8, 2014, Dr. Schore saw patient P.V. for a comprehensive eye exam. Dr. Husz seconded the motion.

VOTE: Motion passed 6-0.

MOTION: Mr. Whiteman moved to find that the records for the exam showed normal vision despite the change in vision from 20/20 to 20/50. Dr. Peller seconded the motion.

VOTE: Motion passed 6-0.

MOTION: Mr. Whiteman moved that no dilation or referral for further treatment was given despite the changing vision. Dr. Mach seconded the motion.

VOTE: Motion passed 6 to 0

CONCLUSIONS OF LAW:

MOTION: Mr. Whiteman moved to find violation of A.R.S. §32-1761 for not referring the patient out to a specialist. Dr. Peller seconded the motion.

VOTE: Motion passed 6-0.

MOTION: Dr. Mach moved find violation of A.R.S. 32-1701(8)(g) for unprofessional conduct. Dr. Husz seconded the motion.

VOTE: Motion passed 6-0.

Mr. Whiteman asked other Board members about R4-21-304. Dr. Mach stated that it may be a possible violation but that A.R.S. 32-1701 was a better fit for action. Mr. Whiteman stated he would like a requirement of CE related for “follow-up and referral”. Dr. Mach stated finding CE in those areas would be challenging but that CE in retinal diseases would be appropriate. Discussion included a specified period of time for the non-disciplinary action of additional continuing education. The Board felt that Dr. Schore had been forthcoming with his acknowledgement of needing to possibly take a different course of action with this patient.

MOTION: Dr. Husz moved to issue a Letter of Concern based on the Findings of Fact and Conclusions of Law and pursuant to A.R.S. §32-1744(D)(4), include four (4) hours of COPE or Board approved continuing education (“CE”) in the area of diseases of the retina, which shall be taken in addition to the continuing education hours required for license renewal. Mr. Whiteman seconded the motion. An amendment to the motion was made by Dr. Husz and seconded by Mr. Whiteman to include a six-month time frame for the non-disciplinary continuing education hours to be completed.

VOTE: Motion passed 6-0.

Vote		Brian Mach Optometrist	Mark Peller Optometrist	Marla Husz, O.D. Vice Pres.	John Chrisagis, O.D. President	Michael Lamb Optometrist	George Evanoff Public Member	Blake Whiteman Public Member
YES	6	X	X	X	X		X	X
NO	0							
ABSTAIN	0							
ABSENT	0					X		

E. REVIEW, DISCUSSION AND POSSIBLE ACTION ON INVESTIGATIVE REVIEWS/COMPLAINTS:

2. Joshua Lewis, O.D. IR#201618

Dr. Peller summarized the case as patient complained that he couldn't see out of the eyeglasses purchased at Dr. Lewis's practice; Dr. Lewis tried to refund the patient's money but received no response from the patient approving the remedy.

MOTION: Dr. Peller moved to dismiss the case due to lack of violation of the optometric practice act. Dr. Husz seconded the motion.

VOTE: Motion passed 6-0.

3. Craig Kuntz, O.D. IR#201619

Dr. Peller recused from this case, including discussion and vote.

Dr. Husz summarized the case as patient bought single vision lenses but could not read with them and was unhappy. Dr. Kuntz offered to make bifocal lenses for the patient and charge an appropriate \$40 upgrade. The patient still was not happy as they did not wish to pay for the upgrade and still could not see out of the original glasses the way they expected.

MOTION: Dr. Husz moved to dismiss the case due to lack of violation of the optometric practice act. Mr. Whiteman seconded the motion.

VOTE: Motion passed 5-0. Dr. Peller recused.

4. Laura Hartman, O.D. IR#201620

Dr. Chrisagis summarized the case as patient saw Dr. Hartman for an eye exam for glasses and subsequently took the prescription to be filled in Mexico. The eyeglasses were allegedly not made properly however, since the eyeglasses were not made at Dr. Hartman's office or by her recommended lab, there was no way for Dr. Hartman to remedy the problem since the prescription itself was correct. Patient went back to Dr. Hartman for a recheck of the prescription and the prescription was changed however, the optical establishment in Mexico would not remake the glasses without charging the patient.

MOTION: Dr. Chrisagis moved to dismiss the case due to lack of violation of the optometric practice act. Dr. Peller seconded the motion.

VOTE: Motion passed 6-0.

5. Bryant Senica, O.D. IR#201621

Dr. Peller summarized the case as patient DWC claimed she developed Endophthalmitis after seeing Dr. Senica the first time, and that it was most likely caused by the use of non-sterile instruments. Dr. Senica was present along with his counsel Mr. Michael Ryan, to address the Board. He presented his training and details of the patient's treatment. He stated that at no time was there any diagnosis of Endophthalmitis as far as he knew. Mr. Whiteman asked the other Board members if this type of treatment caused infection. Dr. Mach said yes but a doctor would have to "dig deep" to cause infection. There was a question in this case as to the plaque removal; was it necessary and if so, how did Dr. Senica go about performing the procedure. Dr. Mach asked about previous surgeries; the patient had none. Dr. Husz asked when Dr. Senica removed the plaque; he stated he did not remove the plaque. Dr. Mach felt that to have further discussion, he needs the retina doctor's records as they were not included in the original documentation. Patient DWC and her daughter were present via telephone to address the Board. Patient DWC

says she went in to see Dr. Senica complaining of headaches and poor vision. She stated Dr. Senica pulled plaque off of the left eye twice. Patient DWC also stated Dr. Senica gave her drops and that he never told her to go to a specialist or to the emergency room.

MOTION: Dr. Peller moved to continue the case until the medical records from the retinal surgeon were received. Dr. Mach seconded the motion.

VOTE: Motion passed 5-1. Dr. Husz voted no.

6. Taylor McMullen, O.D. IR#201622

Dr. Mach summarized the case as the patient was in a car accident and saw Dr. McMullen for a checkup after the accident due to eye redness and pain. Dr. McMullen diagnosed the patient with the retinal hemorrhage however the eye exam also turned into contact lens exam. Based on the records submitted, Dr. McMullen appeared to have properly treated the retinal hemorrhage as well as performed a proper contact lens exam.

MOTION: Dr. Husz moved to dismiss the case due to lack of violation of the optometric practice act. Dr. Peller seconded the motion.

VOTE: Motion passed 6-0.

7. Robert Harper, O.D. IR#201623

Dr. Mach summarized the case as a 93-year-old patient presented with poor vision in one eye. Dr. Harper was present to address the Board and stated the patient had a small cataract and that no surgery was needed. The patient saw a second doctor who said that the patient has a "massive" cataract; however, the records did not reflect any improper diagnosis of the size of the cataract as there was a significant passage of time between when the patient saw Dr. Harper and the second opinion.

MOTION: Dr. Husz moved to dismiss the case due to lack of violation of the optometric practice act. Dr. Peller seconded the motion.

VOTE: Motion passed 6-0.

F. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING COMPLIANCE AND REVISION OR TERMINATION OF PROBATIONARY ORDER:

8. Carey Shifrin, O.D.
9. Stephen Cohen, O.D. - withdrawn

Ms. Whelan presented the continuing education submitted by Dr. Shifrin in order to satisfy the terms of probation and Order set forth by the Board at its November 20, 2015 Board meeting.

MOTION: Dr. Peller moved to accept the continuing education, lift the probationary terms and terminate the Order effective immediately. Dr. Mach seconded the motion.

VOTE: Motion passed 6-0.

G. REVIEW, DISCUSSION AND POSSIBLE ACTION ON PENDING REGULAR LICENSE APPLICATIONS:

10. Abela, Andrew
11. Alsadi, Waleed
12. Ambrose, Ryan
13. Brewer, Joseph
14. Castans, Kylie
15. Dee, Catherine Marie
16. Fierro, Matthew
17. Gretz, Danielle
18. Hernandez, Marilyn
19. Huff, Sarah
20. Imaoka, Colin
21. Johnston, Shane
22. Keding, Amy
23. Laing, Jordan
24. Lam, Teresa
25. Lanzer, Danielle
26. Leone, Danielle
27. Li, Suzzane
28. Lundquist, Michael
29. Ly, Kelly
30. Mabry, John
31. Mackelprang, Andrew
32. McCutcheon, Julie
33. Mortensen, John
34. Moseley, Elizabeth
35. Nguyen, John
36. Park, Jessica
37. Pham, Michelle
38. Price, Will
39. Randall, Derrick
40. Reed, Andrew
41. Robinson, Sophie
42. Rogers, Lauren
43. Rowan, Sean
44. Sowash, Thompson
45. Thomas, Joe
46. Thomas, Sarah
47. Vavricek, Samantha

MOTION: Dr. Husz moved to approve items 11-13, 15, 17-33, 38-42, and 44-46 for licensure. Dr. Peller seconded the motion.

VOTE: Motion passed 5-0. Mr. Whiteman abstained from discussion and vote.

MOTION: Dr. Peller moved to approve items 10, 14, 16, 31, 32, 34-37, 43, and 47 for licensure contingent upon receipt of negative DPS/FBI report. Mr. Evanoff seconded the motion.

VOTE: Motion passed 5-0. Mr. Whiteman abstained from discussion and vote.

H. REVIEW, DISCUSSION AND POSSIBLE ACTION ON PENDING ENDORSEMENT APPLICATIONS:

48. Chen, Eric

MOTION: Dr. Husz moved to approve item 48 for licensure. Dr. Peller seconded the motion.

VOTE: Motion passed 6-0.

I. REVIEW, DISCUSSION, AND POSSIBLE ACTION ON APPROVAL OF CONTINUING EDUCATION AS PROVIDED BY A.R.S. §32-1704(D) and A.A.C. R4-21-210:

Fiscal Year 2016

	Continuing Education	Date	No. of hours requested
a.	NVISION FemtoSecond Laser Roundtable-NVISION Eye Center	6/23/16	2 Regular
		8/16/2016	2 Regular
		9/20/2016	2 Regular

MOTION: Dr. Husz moved to accept item a. Dr. Peller seconded the motion.

VOTE: Motion passed 5-0. Dr. Mach recused from the discussion and vote.

J. REVIEW, DISCUSSION, AND POSSIBLE ACTION ON APPROVAL OF TESTING CENTER FOR PROCTORING OF JURISPRUDENCE EXAM PURSUANT TO A.A.C. R4-21-203(C):

49. Westerville Public Library, Westerville, OH

MOTION: Dr. Peller moved to accept item 49. as an approved location for a testing center. Dr. Mach seconded the motion.

VOTE: Motion passed 6-0.

K. ELECTION OF OFFICERS PURSUANT TO THE PROVISIONS OF A.R.S. §32-1703(A):

MOTION: Dr. Mach moved to keep the current sitting President and Vice President respectively. Mr. Evanoff seconded the motion.

VOTE: Motion passed 6-0.

L. REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF BOARD MEETING MINUTES:

50. April 15, 2016 Regular Session Minutes

MOTION: Dr. Husz moved to accept the minutes as written. Mr. Evanoff noted that there were two "seconds" to a motion in the minutes under item M. and directed staff to research which was the correct second to the motion. Dr. Husz withdrew her motion to accept the minutes.

Dr. Chrisagis tabled the approval of these minutes until the next meeting.

M. EXECUTIVE DIRECTOR'S REPORT:

- 51. Budget update
- 52. Future agenda items
- 53. Future Board meeting dates

Ms. Whelan reported that as of May 31, 2016, the Board's beginning cash balance was \$235,476 with an ending cash balance of \$238,455. As of this date, 91.67% of the fiscal year has elapsed with the Board's spending at 71.54%. Future agenda items requested were CPR for applicants; clarification and discussion on the number of CE hours required for renewal. Future Board meeting dates anticipated are July 15, September 16 and November 18, 2016.

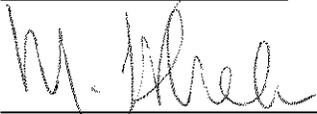
N. CALL TO PUBLIC:

Dr. Chrisagis made a call to the public at 10:58 a.m. No one was present to address the Board.

O. MOTION TO ADJOURN:

Mr. Evanoff moved to adjourn the meeting at 10:59 a.m. Dr. Mach seconded the motion. Meeting was adjourned at 10:59 a.m.

END OF MINUTES:



Margaret Whelan, Executive Director



Date